G.R.S. IX—5]

Previous references 1929. **File No.** 755-19

558-18-Pol-4. ( ) **Serial Nos.** 1-9

Later references.

Misc 229-24-1-3

755-25-1-9

274-26-1-10

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 9.

Part B for April 23

SUBJECT

Rathotsavam of Sri Mallikarjuna Swamy temple at ~~the~~ Pura Yagati Hobli Kadur Taluk

---

To The D.C. of Kadur

No. 212887-3-23

8/4

Rejects the appeal of States (Coal- the order of ~~the~~ of D.C. of 1920. withstand

G. R. S. III—1] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Judicial)

NOTES.

File No. ~~558~~ 1548

FILE HEADING.

Rathotsava of the Mallikarjuna Swami temple at Pura, Upper Holle, Kadur Taluk

From Ariyappa and Mallappa, Anjaga Pujaris

— No. Pekkam Dated 2-6-1920. Received

Diary No. 2459	Enclos 3 Spare Copies -	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Appeal against the Dy. Commrs order directing that the Brahmans have the exclusive right of worship as per manual, during the Rathotsava, from the time the deity is brought to the Ranganayakapam till the deity is seated

NOTES AND ORDERS.

On the Car and the Car is drawn

Issue 2 no 558-18 on the subject to put up on receipt of petitions and Telegrams from the opponents of the present appellants explaining that the apltts (illegible)

NOTES—First Sheet.

R. S. III-2]

General and Revenue Secretariat. | Mez File No. 558 of 191 8

(2)

Serial No.

Conducted the Rathotsava of Srimath Kanjima Swami in contravention of the prevailing manner of the Brahmans' exclusive right of worship, carrying the idol etc, the Dy. Commr. Submitted a full

S S Dy 13 2·1920 B report of facts with the recom. of carrying thereon as solicited for in this office letter no. 2822 dy 18 9, and under orders of the member of Council, the Dy. Commr's. letter dated that the Brahmans have the exclusive right of worship during the Car-festival in question, was recorded in S-d- no. 3784 dy 16. 3 1-10.

C The Smigayat Brahmans have now appealed to Govt praying for a cancellation of the Dy. Comrs' order which has been confirmed by Govt

Submitted for the Govt's orders,

M 15.6.20 The reply dtd (-58 -8) shows that the whole matter was once before Govt passed an order directing the Dy. Comr. [illegible] regarding the same in the matter now

NOTE—Contn sheet

R. S. III-2]

General and Revenue Secretariat.

File No. 253-24[illegible] of 191[illegible]

Serial No.	
	Report with records be called for in this appeal again?
	Sd. 16/6/20 The records may be called for as ordered in the Order of this Case
	Sd. 21-6
	Mr. Attl 16/6/20
2	Do D.C. Kaira No. 23 of 1917-18 Calls for the entire record of the Case - Fines, the Dy. Comr. Kaira Licence No. 3 of 1917 &c. Should the Govt. record any on the case, and state that the fines of the Case have already been realised in full. As regards the complaint of the appellants that there was no formal enquiry in the

NOTE—Contn. sheet.

766

R.S. III-2]

General and Revenue Secretariat.

Mus. File No. 755 of 1919.

Serial No.

It is seen from the records that the Sole Bench Officer held an enquiry and recorded the statements not only of the appellant but all the other persons concerned in the matter before he made the order — 8.10.20. The matter has been disposed of in Mus file 558 ~~5888~~ 18, and need not perhaps be reopened now. The allegation of the appellant that no enquiry has been held is further groundless. The Dy Com's letter may if appd be vacated & the Dy Com requested to send suitable endt to the parties concerned

8/10/20

B

Reference is requested to Dy's report of 12-Feb-1920. 17 C in file 558/18) which explains the facts of the case.

The present appeal is against the Dy's finding reported therein. In the present Comm's letter the Dy states that the order was passed after hearing the appellants

Bdn, 28

G. R. S. III-21

General and Revenue Secretariat.

Revr File No. 755 of 1919.

Serial No.

2587-27
3.11.20

(12) There are no grounds for interference
Second Member) WJ 3/11/20

(13) I agree.
It is only Govts & their assts that the Govt has express opinions & others. The practice of their having expressing opinion on cases is often to remain objection & shd be dropped.

Revr
5.11.20

Draft
WJ 6/11/20

Draft revised
WJ
8

JL
8/11/20

Asst
22/11/20

Secy)

In two [illegible] other Cases, Appellants have come forward with Review pleas, after Orders were passed, stating that they were heard. Though it is unnecessary to hear the Appellant when it

NOTE—Contn. sheet

G. R. S. III-21

General and Revenue Secretariat.

Mis, File No. 755 of 19/7.

Serial No.

Rule 102 A of the Rev Rules.

is proposed to Confirm the order of the Dy Commr it would perhaps be desirable then in such cases to give a hearing to the appellant.

(Secnd Member) W J 6/12/20

3194-116

6.12.20.

~~Is~~ the above recommendation of the Mem Secy. ~~is~~ meant to apply to cases in the future only or past cases as well?

Rees

8.12.20

I would suggest the giving of a hearing in the present case also. If the appellants are able to convince the Member that they have an arguable case then matter may be issued to the opposite party

(Secnd Member) W J 10/12/20

3314-236

11.12.20.

same line of action

Take the proposed

W J 13/12/20

13.12.20.

NOTE—Contn. sheet.

R. S. III-2]

General and Revenue Secretariat. | Revenue File No. 755 of 191 5

Serial No.

72

Dft. Notices to 28th July 21 as

M. 5.8.21 Bd. 7.8.21

(Case posted 30-7-21)

Case came on for hearing this day. Parties present & represented by Counsel, Petitioner & Mr. Adv. Shankar Narayan Rao & Counter Petitioner by Mr. H. Krishnappa. At the request of counsel adjournment granted. & the with no objection on the counter.

Rev
30.7.21

74

Notice for 12th

Case posted for hearing on 12th was adjourned & heard this day. as Govt was unable to do so on the former date. Appellants were absent but were represented by their Counsel Mr. Adv. Shankar Narayan Rao. Respondents were present & also represented by counsel as previously. as prayed for by Counsel for appellants. case to adjourned - with the consent of opposing Counsel - to the 28th inst to enable him to file an affidavit re statement made in appeal petition that no notice was given by S. D. O. & that formal Enquiry

NOTE—Contn. sheet.

WP A 1769—GPB—60,000—20 3 19—S.

18

G. R. S. III-21

General and Revenue Secretariat. | File No. 755 of 1919.

Serial No.

was not ~~accepted~~ held.

Reel
14.9.21

75

Adjourned hearing came up this day. Both the parties present in Court & represented by Counsel, Mr. Shankar Rao appearing for Mr. Shankarnarayan Rao. Affidavit referred to above was presented by Mr Shankar Rao.

In view of the total denial of the enquiry reported to have been held on the spot in the presence of all the parties concerned by the S. D. O. by the applicants in their affidavit filed today, the case with be referred back to the D.C for a ~~regular~~ regular enquiry on the point - viz Whether ~~the~~ the applicants ~~appellants~~ were - or not - parties to the enquiry held by the S. D. O report of result at an early date.

Reel
28.9.21

28/9/21

Dy. S. C. Srikanth

Put up a file

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

File No. 755 of 19 19

Serial No.

Dft. letter Submit

W. 10.21. Bg 27.10.21

Fair draft
27/10/21

Fair Dft. Submit

Bg 1.11.21

Second Member, RJ

3/ Done as proposed

Rec 3-11-21

RJ 3/11/21

25-42-25
2.11.21

4 Rec by. Comm Kadur Dt.
No 2327 dt 9.11.21
forwards the affidavit filed by the appellants totally denying the enquiry held by the S.D.O on the 5th inst in the presence of all the parties in the matter of request to report early as to whether enquiry was actually held & whether the appellants were present.

Issue. Rec by Comr, Kadur Dt.
Letter no 8 Dy 11th Issue 5/21

NOTE—Contn. sheet.

Ft. R. & S. III-21

General and Revenue Secretariat. Mysore File No. 755 of 1921

Serial No.

Recommend that for reasons stated, that the appellants, one of them Ariyappa at any rate be prosecuted for having made serious allegations against a responsible Officer of the State of a Sub Divl Officer, and states that he will departmentally notice the conduct of Patel Nagappa who is pulling the wire from behind the screen.

The Dy. Commr's letter goes fully into the facts of the case.

Submitted for orders.

1/12/21

34

1/12/21

33336-
16.12.21.

The Mysore Secy will please speak to me about this.

17.12.21

D.2502- Rept. of 20.12.21 presented in the same matter by Mr Vyasa.

NOTE—Contn. sheet.

R. S. III-2]

General and Revenue Secretariat. | File No. | of 19

Serial No. 20

A In this Petn, the Petr brings prominently to notice that the Bench passed an exparte order on the subject and requests that the order may be revised There do not seem to be any new facts brought to notice. The Petn is placed on the file for orders.

Sd
22/12/21

36

37 I have had talk with the Members on this subject 4/3/1/22

The Govt Counsel suggests that the applicants or at least one of them may appear, may be permitted.

38 Before finally disposing of the application the papers may be obtained in accordance with the usual practice, but as he is himself appearing for the applicants the appearance of the first Respondent may be obtained through the Govt Pleader.

40 He may not appear on the applicant had who he did previously Peel.

35-5-7-11
3.1.22

yes. appeared forwarded to me for an early report. Peel 4.1.22. 4/1/22

NOTE—Contn sheet

[G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

Forwarding proceedings of D.C. for report called.

Here (2) the file may be forwarded to the Jud. Branch for favour of opinion in the first instance & then to the Jt. Secy for report as the Govt. would have to act with the Sessions Judge

16.1.22

Jud. Br. (Govt. Secretary)

2645/7

can be taken either under Sec 476 or Sec 195 of the Criminal Procedure Code. In the first case (as when Sec 476 is resorted to, the Court itself will have to take the initiative and hold a preliminary enquiry. As however, the District-magistrate has applied for sanction action may be taken under Sec 195. The Dist magistrate, though not a party to the proceedings can apply for sanction. Notice to the party and a preliminary enquiry is not always

NOTE—Cover sheet

C 13

G. R. S. III-2]

General and Revenue Secretariat. | File No. 755 of 1919.

Serial No.

necessary under Sec 195. In this case it may perhaps be advisable to issue a notice to show cause. Objection will probably be taken that this is not such a Court as is contemplated under Sec 195, but in practice a very liberal — in fact the widest possible meaning has been given to the word 'Court', which includes a tribunal empowered to receive evidence & enable it to arrive at a determination. The affidavit, Hazlett. is sworn to before a Munsiff, and is "produced" within the meaning of Sec 195. Its allegations are false to the knowledge of the person to be prosecuted, as is shown by the enquiry of the District Magistrate. The person will try to get over it by pleading ignorance &c, but it remains to be seen whether the trying magistrate will believe him. I am of opinion that action may be taken under Sec 195 Cr. Pr. Code, and Sanction accorded.

Muzrai Secty with Compts)

Cag 10.2.22

4/ Pray a notice be issued

Second Member) 22/

NOTE—Contn sheet

9.7.0.

R. S. III-2]

General and Revenue Secretariat. | File No. 755 of 19

Serial No. 4

4299-263
14 2. 22

Yes. Further action may be taken on the lines indicated in the note by the Asst Secy. Jud Branch.

Pres
15. 2. 22
Secy. to Govt.

15/2/22 48

2 Offs Solicitor for appt.

16. 2. 22. 16/2/22

The Secretary should be informed by wire

Secretary.
15. 2. 22. 16/2/22

The Secretary may be informed in the enclosure

Secretary to Govt.

4425-91.
20. 2. 22 51

I was under the impression that it was going to be a judicial enquiry. Is it for the Govt to issue the notice in a case like this?

Pres
21. 2. 22 21/2/22

NOTE—Contn sheet

(15

Serial No.

52 The affidavit has filed before Court and it contains false statements. The Authority that ought to sanction prosecution is therefore tampered and consequently it devolves upon Court to judge whether a prima facie case is made out before sanction is ~~to~~ accorded. It follows that the notice in question is to be rejected ~~and the~~ by Court. After sanction is granted the trial will be ~~the~~ held by a First Class Magistrate

Second member) 11/4/22

Orders are required

(1) on the merits of the appeal

and (2) on the proposal that appellants should be prosecuted

whether the parties should again be heard here or

G. R. S. III-2]

General and Revenue Secretariat.

File No. 755 of 19 22

Serial No.

Considered and if there is likely to be any delay in the disposal of the appeal whether the stay order applied for by appellants should be granted

(Second Member) VJ 6/3/22

4686-110

7.3.22

I have heard the case once already & do not think any useful purpose will be served by my hearing the case once again. It seems to me that a precaution has the orders which results awaited before final orders can be passed on the Mercy side It is purely a matter of procedure so long as the correct procedure is adopted, it will guide do.

N.B. If he prefers it the Mercy Secy. may speak to me in the matter next.

Ker
7.3.22.

I shd like to be told why there has been a delay of nearly three months in dealing with the petition presented & had to be forwarded to the G.C. Karachi by the Bengal Govt. Mr. Nija's letter is dt. 12.12.21. On Reply

NOTE—Contn sheet

R. S. III-2]

General and Revenue Secretariat.

File No. 755 of 1922

Serial No

of it it looks unsatisfactory. The petition presented to me by Mr. Vijia Deva on 4. 3. 22 is in continuation of it. in other words it is a reminder. One He is behalf on some people who do not appear to be parties to the case under disposal. ~~Regarding~~ Regarding they are ~~preliminary~~ preliminarily interested parties. Any. way the petitions may be sent to the D.C. for Engineering report. I do not think a stay order is called for.

Ins
9. 3. 22. 1919

DS

Dft. forwarding the petition to the Dy. Comr., is submitted

AD 10.3.22. 10/3/22

On 4 Jan 1922 the Member was pleased to direct that a report might be called for from the Dy Commr on the allegation that he had passed an ex parte order in his favour a report has been received

NOTE—Contn. sheet

Serial No.

2 Comm. It Secy to 5
60 The member has already
ruled that no further hearing is
necessary.
61 Whether a prosecution
ought to be ordered or not, has
to be decided after hearing
appellants. If a date is
kindly fixed, notices will be
issued to the parties
62 I had a talk
with the Member about this matter
on the 22 inst.
Second Member) 28/3

5140-319
30.3.22

63 A prosecution has. I think to be
ordered. But this action may be
taken accordingly & needless trouble
avoided.
Revd
1.4.22 4/1/5/22

64/ With ref to para 61 above, order
are solicited whether notice should
issue to the parties concerned
to show cause why prosecution
should not be ordered; or this

NOTE—Contn. sheet.

250 C19

G.R. S. III-2

General and Revenue Secretariat. Misc File No. 755 of 19 19

Serial No.

The D.I. & Dist Magistrate may be authorised to institute criminal Proc against them

BA 8/4/22 2nd member

Bm 3/4

5-295-96

4.4.22

D. B.

65 I shd like to have legal opinion on the point. i.e. correct procedure shd be followed

Bell 6.6.22

The Revenue Secy may be pleased with please speak to me about this

seen to the Secretary Revenue Dept 15/6/22

66 Submitted with reference to proposal & instructions:—

The offence in question falls both under Sec 193 I.P.C. 2nd paragraph & 182 I.P.C. Though Sec 193 I.P.C 2nd paragraph runs "whoever intentionally gives or fabricates false evidence in any other case (i.e other than judicial proceedings & being namely, "in a proceeding taken by law before a public servant" shall be punished with imprisonment of either description for a term which may extend to 3 years and shall also be liable to fine"; the Asst: Secy Jud Dr. advises it "better to avoid a prosecution under this section

A prosecution under Sec 182 I.P.C is easily sustained in this case. Section A thereof runs "Whoever gives to any public servant any inform-

NOTE—Contn. sheet.

4080
9

(20

G. R. S. III-2

General and Revenue Secretariat. | Judy File No. 755 of 1919.

Serial No.

which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant, to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both."

69 Hon Asstt Secy Jud Dr. advises prosecution for this offence ~~only~~ He says also that no preliminary notice or enquiry is necessary before according sanction in this latter case

68 If this is approved, a draft Conveying sanction in proper form will be got prepared by the Asstt Secy Jud Dr

Dy 20/4

18 members

69
A

5837-259
25. 4 22

70 Send forwd of a draft Conveying sanction in proper form

Dy 20/4

Asstt Secy Jud
With Compliments

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 755 of 1969

Serial No.

XVI Bom 729 ; V CWN 254.
XVI WR. 37 ; V All 887.
IV Cal. L.J. 88 . XIV Cal 707 (F.B.)
XIII CWN 398.

71 Draft is ready ; but I find that the appeal has not been decided. It is a Conviction prerequisite to the granting of Sanction, that the proceedings wherein the offence was committed should have terminated. The officer holding the enquiry must have finally disposed it off. The affidavit, though false on the face of it, should be so pronounced, in the final order of the Member disposing of the appeal. A Sanction issued at this stage is illegal & will be impeached as such & may result in the proceedings before the magistrate being quashed. It is requested therefore that the enquiry be finished, & orders passed & then action taken. ~~on Sanction~~

Rev. Secy) Cag

Rec'd 16/5.

72
Sub^d for final orders on the appeal ~~may~~.
Paras 24, 25, 53 & 55.
18 Members).

Bm 16/5

6512-2½ / 16.5.-2

73
Legislative Secy with please see. a draft for today.

74
Sub^d for orders with regard to personal discussion this day

Bm 17/5

18 Members)

NOTE.—Contn. sheet.

P 70

G. R. S. III-21

General and Revenue Secretariat.

File No. 755 of 19 22

Serial No. 75

6379-90

19. 5. 22.

after hearing the appellants counsel in the matter of his appeal petition I am of opinion that no case for any intervention has been made out the appeal fails & the S.D.O. order of 19. 5. 22 is confirmed with costs

During the hearing of the case it was stated by the appellants counsel that the local Enquiry reported to have been held by the S.D.O. was not held and that his client had no notice of it either. As this however appears to be disclosed by a perusal of the official records Counsel was asked if he was prepared to file a statement in support of his allegation an affidavit was filed accordingly.

I am of opinion that an offence has thus been committed & the appellant I order that he may be prosecuted in

Sen. Accounts Officer of the Circle are requested to see that the above Order is carried out

Dwe 19.5.22

Dwe 20.5.22

Subd. to the Asstt. Collr. Collection Branch for perusal of the 1st Mrs order above & Kind attn to Mr Brandt when the order will be received.

Dwe 21.5.22

Sen. Accounts Officer 21/5

76

Sanction approved

Dwe 19.5.22

21/5/22

Issue 21/5

2592

G. R. S. III-21

General and Revenue Secretariat. | File No. 55 of 19 19

Serial No.

78

Dft. order in Court.

79 The order already passed relates to Sanction to prosecute the appellant.

80 The present date relates to the merits of the appeal

First Member) HJ 25/8/22

81 Order approved.

I shall be glad to know why the Asst Secy. P.S.H. Bo. instead of carrying out instructions, scored out the pencil note made by me. I asked for the file before the 6 o'clock.

2323-463
16.9.22

recd. 4.45 pm on 19.9.22.
Ld. to ask Secy Selection Bd for personal of the 1st Members orders, after which the copy ordered will leave for record.
19.9.22
4.55 pm

82

I went in person to the Chambers of the 1st member to explain the mistake and how it was the result of a misunderstanding on my part and that of the clerk of the Assistant Secretary, who brought the file back, after I had sent it, after perusal of orders. I learn, that I can only write on the Member in Charge, which I did to explain matters

83

NOTE—Contn. sheet.

To the Assistant Secretary, as directed by the Member in Charge
Recd. on the 19.9.22 at 5 p.m.

R. S. III-21

General and Revenue Secretariat.

File No. 755 of 1922

Serial No.

84 Same
12/21/9/22

85 The order was not yet signed. It can be signed at any time. It was been decided, pending a further consideration of the question of prosecuting the appellants or in general under S 2, J. P. Code, about which I have made personal representations to the Trust Members.

86 This is a dispute between the Lingayats and the Brahmins about conducting the Rathotsava of the temple in question. The D.C. Kadur passed an order and the Lingayats complain of it.

87 They urge that the order of the D.C. was passed ex parte and they relied on an affidavit, dropped by appellants counsel in support of their allegation, that no formal enquiry had been held in the presence of the appellants, that they had no notice of the opposite party's application

NOTE—Contn. sheet.

Serial No

C/

And they had no opportunity of examining their witnesses. The appellant was sent to the D.C. for report and he reports that the enquiry was made by the S.D.O. in the presence of appellants and that they after was recorded his departure on the 19th which served on him and in his statement recorded by the S.D.O. There can be no doubt therefore that the allegation that there was no enquiry in the presence of the appellants is false.

88 The only question is whether there are technical difficulties in the way of proceeding as we have suggested.

89 It will be seen that the main object of the appellants was to get a fresh enquiry founded on false statements made in an application for rehearing of an ex parte decree or for a new trial in a Small Cause Court suit, held not to be Criminally punishable. The

G. R. S. III-2.

General and Revenue Secretariat.

MWS File No. 755 of 19 19.

Serial No.

Statements were Voluntary Statements of the Case, which the Applicant was prepared to prove, they need not have been Verified and denied no Additional weight from the fact that they were Magistrates Criminal Law para 32

90 Sanction is ordinarily granted to a party to a proceeding, on his application, to prosecute the opposite party; but in the present case the Sanction is proposed to be granted not to the Respondents before it at the instance of the Commr and Dt Magistrate, Kadur.

91 The appellant has not been informed of the application by the Dt Magistrate for Sanction to prosecute him and he has not been asked to show cause why it should not be granted

92 The Deputy Commr has suggested that both the appellant & respondent should be heard

To be prosecuted and whether this can be regarded as an application for Sanction and whether a public

NOTE—Contn. sheet.

General and Revenue Secretariat.

File No. 755 of 1929

Serial No.

officer, against whose order an appeal is pending, should be allowed to apply for sanction to prosecute the person who appeals against his order requiring consideration. 93 The proposed sanction relates only to an offence under Sec 182 I.P. Code, but the matter may possibly come under Sec 195 I.P. Code and if so unless a prosecution Court be launched without any sanction under Sec 195 Cr.Pro Code also requires Consideration. If an offence under Sec 199 I.P. Code is committed before a Court, a prosecution without the sanction of that court would not be sustainable. A Court for purposes of Sec 195 Cr. Pro code has been defined to mean a Civil, Cr & Revenue Court and includes a Number of Tribunals a Municipal Council can be called such a Court is open to discussion. If he is not a Court (as) if he is only a public servant Sec 195 Cr Pg Code does not state that a prosecution for an offence

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

File No. 755 of 19 23

Serial No.

Under Sec 195 I.P.C Committed before him requires sanction, Whether a Statement made by a party to obtain a remand is of the nature of the "information" referred to in Sec 182 I.P. Code also requires Consideration, though strictly it might come under Sec 193

First Member 10/2/23

6621-318
12.2.23

As a point of law has been raised. I should be obliged for an Expression of opinion in the matter. The case has not been referred to the G.A. as Mr Bhaskar Narayana Rao appeared for the appellant in this case when it was heard by me. I have been told that Mr Shankaranarayana Rao is no longer the counsel for the appellant, but while I have not considered it desirable to refer the point of law raised to him for opinion

Recd 13.2.23

5264
14.2.23

Recent member with compliments.

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

Home File No. 755 of 1924

Serial No.

5264

Section 102 does not apply as the false representation contained in the affidavit was not intended by the accused at the time of making the affidavit to cause injury or annoyance or make the deponent do or omit to do any thing which such person might not be lawfully compelled to do or omit if he did not believe the representation to be true.

Section 199 is not applicable as the Presidency Magistrate was not "bound or authorised by law" to receive the affidavit as evidence of any fact — as the appeal is against a departmental rule not authorised by the Income-tax Regulations.

17/2

In the above circumstances the matter may be dropped as unnecessary. The D.C. may be apprised of the position viz. after consideration it has been decided that a criminal prosecution

6723-414
17.2.25

Peel
19.2.25

19/2/25

NOTE—Contn. sheet.

13 30

G. R. S. III-2)

General and Revenue Secretariat.

File No. C 753 of 19 19

Serial No.

Dft. Sub-W. for appl or Rev order.

— W 20/1/23 RG 20/1/23

A — Necessary to state in the warrant whether it is to be issued now or in a separate Communique.

B — Name of the Member will be issued after striking out para 4. First Member W/ 21/1/23

6969-660
24.2.23

A. I do not know why this point has been raised at all.

B. Revised draft may be put up for approval.

Rec 26.2.23 W 26/2/23

A. This [illegible]

C. By Comm. letter D.

B. Revised Dft submitted.

28 RG 28/2/23

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat. | File No. 755 of 19

Serial No.	
	I beg a reference to the appraised draft – plaster I raised the point at A as wanted to strike out para 5 of the said draft. A fresh draft leaving out the said para 5 to put up Tehsil Member 2/3/23
7170-43 3.3.23	Draft approved Issue 6.3.23. 2/3/23
7	No 1426 of 7/8/23 to the D.C. of Kadur.
0	Rejects the appeal & states that the order of D.C. of 6/20 will stand.
8	Petn. from the dwellers of the temple Complains Cutcherie wrongs- Evicts of the temple during last- Years Rathostava.
9	No. 2598 of 3/4/ to the Asst. Comm.

NOTE—Contn. sheet.

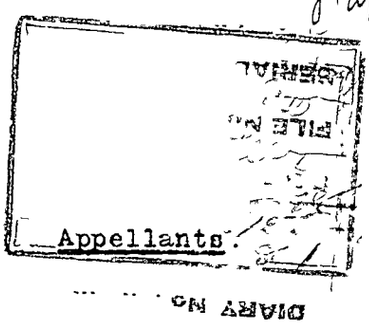
33 Presented in person by Mr. Sankara Rau on 2nd June 20

R PEE

Appeal registered. Issued. + 2. to issue — Call for records & report 2/3/6/20

BEFORE THE GOVERNMENT OF H.H.THE MAHARAJA OF MYSORE

Muzrai Appeal No. 1919-20.



1.Ariyappa, son of Mallappa,
2.Mallayya, son of Ganeshana Earanna, residing in Pura, Yagati Hobli, Kadur Taluq. — Appellants.

--VS--

1.Subba Bhatta,
2.Lakshminaranappa, residing in Yagati,Village, Yagati Hobli, Kadur Taluq. — Respondents.

The appellants abovenamed beg to state as follows:-

1. The appellants are the archaks of the Mallikarjunaswamy Temple situated in the Pura Village of the Yagathi Hobli, Kadur Taluq.

2. As per immemorial custom the daily worship and all other religious rites and ceremonies in the temple are conducted only by members of the Lingayet Community and particularly by the members of 16 Lingayet families who perform the worship &c., by rotation, and no other communities have a right to perform such worship &c., in the temple. The appellants belong to some of the said sixteen families.

At the time of Rathotsavam (Car festival) it is usual for all the inhabitants of Pura and the surrounding villages to take part in the celebrations and Brahmins also, who happen to be the devotees of

the Deity, join the rest in taking the Deity in procession &c.

4. According to Mamool, on the day of the Car festival the appellants, who are the Archaks, have the exclusive right of performing the worship of the Deity inside the Temple and of bringing the same to the Rangamantapam where a Brahmin Purohit and Agamik perform worship for a short time. After this worship the Lingayets and Brahmins jointly take the Deity in procession to the Car in which after the Deity is seated, Puja is offered both by the Lingayet Archaks and Brahmins and thereafter the Lingayet Archaks celebrate all the remaining functions. This has been the time-honoured custom.

5. It is only during the last two years that the respondents, with the idea of trying to set up their exclusive right to the most important rites and ceremonies in connection with the Car Festival, have been putting forward a false and unfounded claim to a right of exclusive worship.

6. Some differences having arisen between the parties in this matter some-time prior to the Car festival in 1919. the then Deputy Commissioner after hearing both parties issued the accompanying endorsement dated 8-3-19 to the appellants directing that the celebrations should be conducted jointly.

7. The then Amildar of the Kadur Taluq who had been instructed to supervise the celebrations also held on inquiry on the spot at the time of the Car festival in March 1919, and after satisfying

satisfying himself about the Mamool, referred to in para 4, supra, called upon the respondents - also to join the appellants in the Pooja &c., but the former declined to do so and the Pooja &c., - were all conducted by the appellants themselves.

7. Subsequently at the time of the Car - festival this year the accompanying order of the Deputy Commissioner dated 12-2-1920 was suddenly sprung upon the appellants on 4-3-1920 against - which they are now preferring the present appeal.

8. The appellants had no notice of any such application said to have been presented by the respondents. There was no formal enquiry in the presence of the appellants who were not given an opportunity of examining any witnesses on their sides in support of the immemorial custom referred to above.

9. The appellants therefore beg respectfully to submit that the order passed by the Deputy Commissioner is not sustainable, and is unjust and opposed to mamool. The absence of a notice and formal inquiry has materially prejudiced the appellants.

10. The appellants therefore pray most respectfully that Government may be pleased to set aside - the accompanying order dated 12-2-20 of the Deputy - Commissioner, Kadur District, and after giving the appellants an opportunity of adducing evidence in - proof of mamool, (if necessary) to do justice to the - appellants.

BANGALORE,
2nd June 1920.

No 338 / 018-A

36

To

The Deputy Commissioner
Kadapa District

Sir,

I am to inform that the Government have decided to appoint Sri ... as Village Assistant in the village ... in the Mandal ... in the District ... in the scale of pay ... and direct that he should be appointed in the vacancy caused by the ... of Sri ... with effect from the date he takes charge of the post.

The appointment is subject to the following conditions:

1. He should produce a certificate of character and antecedents from a Gazetted Officer or a Member of the Legislature.
2. He should produce a certificate of physical fitness from a Medical Officer not below the rank of Assistant Surgeon.
3. He should produce a certificate of his date of birth from the Head Master of the School last studied by him or from the Municipal Commissioner or from the Tahsildar.
4. He should execute a bond in the form prescribed.
5. He should be prepared to serve in any part of the district.
6. He should be prepared to undertake any other duties that may be assigned to him from time to time.
7. He should be prepared to undertake duties in connection with the Census, Elections, Agricultural Statistics and Cattle Census.
8. He should be prepared to undertake duties in connection with Famine Relief Works.
9. He should be prepared to undertake duties in connection with Anti-Malaria Operations.
10. He should be prepared to undertake duties in connection with Anti-Epidemic Operations.
11. He should be prepared to undertake duties in connection with Co-operative Societies.
12. He should be prepared to undertake duties in connection with Prohibition.
13. He should be prepared to undertake duties in connection with Land Records.
14. He should be prepared to undertake duties in connection with Survey and Settlement.
15. He should be prepared to undertake duties in connection with Forests.
16. He should be prepared to undertake duties in connection with Excise.
17. He should be prepared to undertake duties in connection with Sales Tax.
18. He should be prepared to undertake duties in connection with Income Tax.
19. He should be prepared to undertake duties in connection with Stamps and Registration.
20. He should be prepared to undertake duties in connection with Municipal Administration.
21. He should be prepared to undertake duties in connection with Panchayat Raj.
22. He should be prepared to undertake duties in connection with Rural Development.
23. He should be prepared to undertake duties in connection with Social Welfare.
24. He should be prepared to undertake duties in connection with Backward Classes.
25. He should be prepared to undertake duties in connection with Scheduled Castes and Scheduled Tribes.
26. He should be prepared to undertake duties in connection with Minorities.
27. He should be prepared to undertake duties in connection with Women and Children.
28. He should be prepared to undertake duties in connection with Youth Services.
29. He should be prepared to undertake duties in connection with Sports.
30. He should be prepared to undertake duties in connection with Tourism.
31. He should be prepared to undertake duties in connection with Culture.
32. He should be prepared to undertake duties in connection with Archaeology.
33. He should be prepared to undertake duties in connection with Museums.
34. He should be prepared to undertake duties in connection with Libraries.
35. He should be prepared to undertake duties in connection with Public Libraries.
36. He should be prepared to undertake duties in connection with Rural Libraries.
37. He should be prepared to undertake duties in connection with Urban Libraries.
38. He should be prepared to undertake duties in connection with School Libraries.
39. He should be prepared to undertake duties in connection with College Libraries.
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47. He should be prepared to undertake duties in connection with Physically Handicapped Libraries.
48. He should be prepared to undertake duties in connection with Mentally Retarded Libraries.
49. He should be prepared to undertake duties in connection with Prisoners' Libraries.
50. He should be prepared to undertake duties in connection with Hospital Libraries.
51. He should be prepared to undertake duties in connection with Industrial Libraries.
52. He should be prepared to undertake duties in connection with Agricultural Libraries.
53. He should be prepared to undertake duties in connection with Medical Libraries.
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56. He should be prepared to undertake duties in connection with Scientific Libraries.
57. He should be prepared to undertake duties in connection with Research Libraries.
58. He should be prepared to undertake duties in connection with Documentation Centres.
59. He should be prepared to undertake duties in connection with Information Centres.
60. He should be prepared to undertake duties in connection with Reference Libraries.
61. He should be prepared to undertake duties in connection with Lending Libraries.
62. He should be prepared to undertake duties in connection with Circulating Libraries.
63. He should be prepared to undertake duties in connection with Rental Libraries.
64. He should be prepared to undertake duties in connection with Subscription Libraries.
65. He should be prepared to undertake duties in connection with Free Libraries.
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95. He should be prepared to undertake duties in connection with Subscription Libraries.
96. He should be prepared to undertake duties in connection with Free Libraries.
97. He should be prepared to undertake duties in connection with Public Libraries.
98. He should be prepared to undertake duties in connection with Rural Libraries.
99. He should be prepared to undertake duties in connection with Urban Libraries.
100. He should be prepared to undertake duties in connection with School Libraries.

8-3-94

Yours faithfully,

Deputy Commissioner
Kadapa District

وكان الأمير يوسف بن عبد الله بن عبد الرحمن بن عبد الله بن عبد الرحمن بن عبد الله بن عبد الرحمن

ಸಾಲಿನ ಅಂತ್ಯದಲ್ಲಿ ಪ್ರಾಸ ಪದಗಳನ್ನು ಹೊಂದಿರುವ ಕವನಗಳನ್ನು ಪ್ರಾಸಬದ್ಧ ಕವನಗಳೆಂದು ಕರೆಯುತ್ತಾರೆ. ಪ್ರಾಸಬದ್ಧ ಕವನಗಳಲ್ಲಿ ಸಾಲಿನ ಅಂತ್ಯದಲ್ಲಿ ಬರುವ ಪದಗಳು ಒಂದೇ ರೀತಿಯ ಧ್ವನಿಯನ್ನು ಹೊಂದಿರುತ್ತವ

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 12 [illegible] 1920 [illegible]

[illegible]

[illegible]

[illegible] 3. [illegible]

[illegible]

[illegible]

[illegible]

[illegible] 3.1920

[illegible]

[illegible]

Before the Governor-in-Council, [illegible]
~~In the Court of the~~ The Maharaja of Mysore

Amrjai CASE NO. OF 19 19.—19 20.

Appellant ~~*Plaintiff.*~~		*Respondent Defendant.*
Arujappa Mallappa	Vs.	Subba Bhatta Lakshminarayappa

1. We, the Appellants above named do, by these presents, retain MR. K. SHANKARA NARAYANA RAU, M.A., B.L., *Advocate*, to appear and conduct the above case on [illegible] behalf to judgment.

2 I further empower him to do all necessary acts in the above case, to execute any decree or order that may be passed in my behalf and to receive from the Court all documents, refunds, and all sums of money that I may be entitled to get and grant receipts therefor.

3 I also undertake to confirm and ratify all the acts done by the said Advocate or by any other Advocate on his behalf in so doing.

[illegible]

[illegible]

Bangalore
2/6/ 1920.

Personally known to me and signed in my presence

[illegible]

Accepted.
[illegible]
Advocate

41

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Revenue
File No. 755-19
Serial No. 2

GENERAL AND REVENUE SECRETARIAT
( )
the 191 .

No. 23 Land Forest

Date of issue.....

To

The

Signed by.....

Land Revenue Appeal
Petition filed from Order of Mathappa & Mallappa
Son of Honesana Iranna
appealing against from
Order No. R.C. 503-1917-18
§ 12 [illegible] Refusing
of

over.

List of enclosures.

Copied by

Examined by

WD 1744—GPB—30,000—19-3 19

1920-21
SECTION Mur
FILE No. 755 19
SERIAL ... 3

1.5.6 ~~1920~~ 68

From

The Deputy Commissioner,

Kadur District.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
.....Muzrai.....Department,
BANGALORE.

Dated 29th
Despatched } September 1920.
Received

General No. H.C. 8
No. 20-21.

Enclosure No. 8 one Ver file ...

SUBJECT

Submits a report (together with record) on the appeal petition of Sreeyappa and Mallaiya appealing against this office order directing that the long established practice during the Rathotsavam of the Sri Mallikarjunaswami temple at Ina in the Kadur taluk should be continued —

(36 44

Office of the Deputy Commissioner,
Kadur District.

Chikmagalur, Dated 29th September 1920.

From

K. MYLAR RAO, Esq., M.A., B.L.,
Offg. Deputy Commissioner,
Kadur District.

To

Rao. Bahadur J.NARAYANA IYER, Esq., L.C.E., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
.....MUZRAI.....*Department*,
BANGALORE.

Sir,

With reference to your letter No.23/Muz. 755-19-3 dated 5th July 1920 forwarding for report with records on appeal petition from Ariyappa and Mallaiya appealing against this office order, directing that the long established practice during the Rathothsavam of Sri Mallikarjuna Swami Temple at Kura in the Kadur Taluk should be continued, I have the honour to submit herewith the entire file of vernacular records ending with the Chikmagalur Sub Division Assistant Commissioner's Yadi No.S.H.C. 664/18-19 dated 3rd September 1920 and to state that the facts of the case are given in this office letter No.H.C. 505/17-18 addressed to you on the 11th February 1920.

2. The main ground of appeal is that the appellants had no notice of the application by the respondents that there was no formal enquiry in the presence of the appellants and that therefore the order passed by this office is not sustainable. The records show that the Sub Division Officer Mr.R.Nanaswami Rao held an enquiry in accordance with this office Yadi No.H.C.505/17-18 dated 22nd April 1919 and recorded

48 37

recorded the statements not only of the appellants but of all the persons who appeared to be concerned in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

Bankelea Rau

Treasury Assistant Commissioner,
for Offg. Deputy Commissioner,
Kadur District.
(Absent from station).

D.S.R.

BSR

38 46

To

The Deputy Commissioner,

Kadur District, Kadur.

Sir,

2327

Mem. 755-19-1

89 11.21

Adverting to the correspondence ending with your letter No.8 dated 29th September 1920, reporting on the petition of Ariyappa and Mallaiyya, Lingayat pujaris, appealing against your order declaring that the Brahmins have the exclusive right of worship during the Ratotsava of Sri Mallikarjunaswami temple at pura, Kadur Taluk, I am directed to forward herewith in the accompanying sealed cover the affidavit filed by the appellants before Government at the time of the hearing of this case on 28th September 1921, totally denying the enquiry reported to have been held on the spot in the presence of all the parties concerned by the Sub-divisional officer, and to request that in view of the total denial of the enquiry which is the basis of the order appealed against, you will be so good as to ascertain and report at a very early date whether an enquiry was actually held by the Sub-divisional officer and whether the appellants were parties thereto.

Copy to the Record office.

Rec'd 3.4.22

2. The vernacular records are herewith returned for reference and resubmission.

I have etc.,

Sec. to Govt: Mud: Dept:.

HRS.

Office of the Deputy Commissioner,
Kodur District.

Dated: the 15th November 1971

To

5464

192[illegible]-22.

From

The Deputy Commissioner,
Kadur District.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Mujrai ..... Department
BANGALORE

Dated 15th
Despatched } November 1921
Received

General No. ~~H.C. 1015~~ H.C. 8
No. 20-21

Enclosure No. ..... Nil

SUBJECT : Mujrai

RECEIVED
17 NOV 1921

Requesting orders regarding the return of the Inam records connected with the Sthal of Hiriyur and Mathavara Anjaneya Anjaneya the Sri Mallikarjunaswami Devaru at Sira in the Kadur Taluk

—

Draft returning the records is submitted

18/11/21 RG

19/11/21

TY COMMISSIONER
DUR DISTRIC

Camp Kadur,
17th November 1921.

Sir,

touring in the Kadur
week and I intend going
on the 21st instant. The records
of the temple at that place
going held by the Karnasany
may kindly be sent to my camp
if they have not already been
to my Head Quarters.

Thanking you in anticipation,

Yours sincerely,
Kaighan

Un 18/11/21

69

G R. S. VI—G/32]

SUBJECT..... Revd. Cols. Requisitions

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the *191* .

Date of issue 18-11-21

Signed by [illegible]

Section

File No.

Serial No.

No. 2528

For info of

To

The Collector

Kadur &

Camp Kadur

Sir,

I am directed to return herewith the Ver Sale Records with the enclosed petn. dtd NO 2459 & to the Patotsava of Sri Mallikarjuna Swamy Temple at Pura, Kadur Tk as requested in your letter No HC 8/20-21 dt 15-11-21

[illegible]

8/11/21

Secy to Govt

Dated 18/11/21

18/11/21

18/11/21

List of enclosures.

Copied by

Examined by

GR

1921-22

2131

From

The Deputy Commissioner, 11-22

1624 Kadur District

To

The Secretary to Government

Integral Department

Dated 24.11.21 Bangalore

Despatched

Received

General No. Ht. No 8

No.

Enclosure No

Reporting on the petition of Aryappa and others in the matter of the right of warning during Rathotsava of Sri Mallikarjuna Swamy of Jiva. P

Office of the Deputy Commissioner,
Kadur District,
Dated Camp- Tarikere the 24th November 1921.

From

K.Mylar Rao, Esquire, B.A., B.L.,
Deputy Commissioner,
Kadur District.

To

T.E.Jayaram Iyer, Esquire, B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Muzrai Department,
B A N G A L O R E .

Sir,

With reference to your letter No. 2327/ dated the 9th instant, forwarding the affidavit filed by the appellants in the appeal against my order regarding the right of worship at the Ratotsava of Sri Mallikarjuna Swamy at Pura and calling for a report as to whether an enquiry was held by the Sub Division Officer in the matter and whether the appellants were parties thereto, I have the honour to state that the allegation made by the appellants in the affidavit denying the enquiry by the Sub Division Officer is totally false. The office copy of the Sub Division Officer's diary forwarded herewith shows that he was in Pura on the 18th and 19th June 1919 and held an enquiry into the right of worship. Notices were issued by him on the 17th idem, requiring the Archakas and others to appear before him on the following day. The names of the appellants Ariyappa and Ganeshana Malliah appear in that notice. It was duly served on Ariyappa and he admits his signature on the reverse thereof. He admits his signature also in his statement dated 18th June 1919, and in the statement of Nirvanappa and other residents of Kodihally recorded on the 19th idem. When these signatures were shown to him, he could not but admit that an enquiry was held in the matter in Pura. The Kodihally people and those of Yegati and Yellambalasi examined by the Sub Division Officer whom I

42

I sent for, all state that he did hold an enquiry on the 18th and 19th June 1919, in the Mallikarjunaswamy Temple and the Lodge at Pura, and there can be no doubt that it was held. The Kodihally people are Kurubars and one of them Nirvanappa is a Dharmadarsi of the temple and one of its most important devotees.

2. It is said that the right of worship belongs to 16 persons and that of these Mallikarjuniah is the yejman. He and the appellant Ariyappa are proved to have been present at the enquiry. The other appellant Ganesana Malliah is the nephew of Mallikarjuniah and he does not appear to have been present then. The notice issued by the Sub Division Officer was not served on him and it is likely that he was absent from the village. The Sheikdar has endorsed on the notice that it was served on such of the Archaks and others as were present in the village. Even Malliah had to admit before me that the Sub Division Officer might have come and held an enquiry.

3. The appellants had no evidence to offer as regards their allegations in the affidavit. A perusal of the statements made by them and by their yejman Archak Mallikarjuniah before me goes to shew how untrustworthy they are and what little regard they have for truth. On the 21st instant, the day before I recorded their statements, they attempted to tamper with the Kodihally people and win them over to their side, but did not succeed.

4. The allegations made in the affidavit are very serious and call in question the truth of an enquiry publicly held by a responsible officer of the status of a Sub Division Officer. They are deliberately false and recklessly made, and could not have been believed to be true. The prestige of officers is sure to suffer if no action is taken against such gross perjurors and if they are not made an example of and I

I would therefore suggest that the appellants, one of them Ariyappa, at any rate, if not both, be ordered to be prosecuted.

5. The Patel of Yegati, Nagappa, a Sivachar, is said to be supporting the Archakas and pulling the wire from behind the screen. He is one of the Dharmadarsis of the temple and he could not have been unaware of the enquiry by the Sub Division Officer. Like the Archaks, he first stated that he did not know whether the Assistant Commissioner had come to Kura and whether he held an enquiry, but when he was confronted with his signature on the notice dated 17th June 1919, he modified his first statement and stated that he heard that he had come and made an enquiry. His conduct will be noticed departmentally.

6. The affidavit received with your letter referred to above together with the appeal petition and the vernacular records are returned herewith. The papers relating to the enquiry held by me on the 22nd instant are also submitted for perusal.

I have the honour to be,

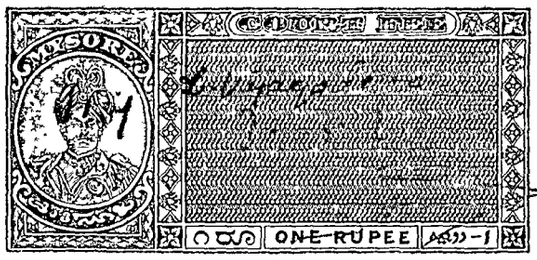
Sir,

Your most obedient servant,

K Nyalarao

Deputy Commissioner,

Kadur District.



FOR THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA
OF MYSORE, MUZRAI DEPARTMENT.

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Appeal Petition No. of 1921-22.

Petitioners:-

Rudrappa and others.

The petitioners beg to state as follows:-

1. The petitioners and several others presented a petition through their Counsel to this Honorable Court regarding a certain ex arte order passed by t the Deputy Commissioner, Kadur District, as regards certain ceremonies connected with Sri Mallikarjuna-swami temple at Yagatipura, Yagati Hooli, Kadur Taluk

2. The above petition in brief is to the effect that 2 gentlemen by the name of Subba Bhatta and Lakshminaranappa got an exparte, illegal and unjust order from the Deputy Commissioner, Kadur District, that they alone have the right to take the deity Sri Mallikarjunaswami from the Ranga Mantapa to the Car or Ratha which is held in the highest veneration by the Veerasaiva Members being in a sense their foremost God, and that the Veerasaiva Members or any other community have no right to join in that ceremony.

3. The petition discloses how the said temple owes its origin & maintenance to the members of the Veerasaiva community and how therefore the large body of Veerasaiva Bhaktas and others who are res-

responsible for the said temple and its maintenance and continuance have the right to participate in the various ceremonies connected with the temple on auspicious occasions.

4. Their rights and privileges are existent from time immemorial and have been recognised as shown in the petition by the Deputy Commissioner, Kadur District, even in 1919.

5. As shown in the petition the order that has been passed is ex-parte without giving an opportunity to the present petitioners to show cause against that order, has not recognised the existing mamool in the matter, has taken away the valuable right of the petitioners, caused them great loss and injury & is illegal and unjust.

6. The petitioners submit that they do not say that the opposite side have no right. On the other hand what the petitioners submit and maintain is that they are co-sharers and participators with the opposite party in the right of taking the deity from the Ranga Mantapa to the Car. On the other hand the opposite party wrongly maintain without any basis material or authority that they alone to the exclusion of the petitioners have the right to solely exercise the right mentioned above.

7. The petitioners submit that there must be strong grounds to sustain the order passed now that only one particular community has preferantial rights over another community whose foremost deity is a deity of the nature now in question.

8. As shown above the order that is passed by the Deputy Commissioner, Kadur District, was passed behind the back of the petitioners, The Deputy Commissioner has acted illegally in not

not giving an opportunity to the petitioners before passing an order affecting such a large body viz., thousands of Veerasaiva Bhaktas and others and ~~is~~ very much prejudices their rights.

9. The petitioners further submit that the Deputy Commissioner had no authority to sit in judgment over the orders passed on the same subject and set aside, in effect an order ~~in effect~~ of the previous Deputy Commissioner.

10. The petitioners therefore pray that the order of the Deputy Commissioner issued in 1920 may be stayed at once, pending the disposal of this petition by the Government, as the Rathotsava of the deity of Sri Mallikarjunaswami is to come off on the 12th Instant and unless ~~the~~ a stay order is passed, thousands of Bhaktas coming from various parts of the country and outside to perform ceremonies on the occasion will be put to great loss and hardship.

K. N. Y Deva.
Counsel for Petrs
4/8/22

In the Court of

VAKALATNAMA

executed by ..... in favour of

Mr. B. N. VIJAYA DEVA, M.A., Barrister-at-law,
Advocate, High Court of Madras & Chief Court of Mysore.

I/we hereby empower the said advocate, in person or by proxy, on my/our behalf, to appear in, and conduct the above case as well as any proceedings arising out of and connected with the same, to compromise the same, and to do all such acts as may be proper and necessary for the due conduct thereof, including the signing and presentation in Court of the necessary petitions and papers.

And I/we further authorize the said advocate to receive and give receipts for, any money, document, or other moveable property, that is or may become, payable or deliverable to in the course of the said case or proceedings.

..... 192 .

.....

I know the executant who has signed before me.

B. N. Vijaya

Accepted.

B. N. Vijaya
4/5/52

V Sangha Press, Bangalore City

Presented this day in Court by Shri. Abhe Shankara Rao as Counsel for appellant Date 28-9-21

Before the Government of His Highness the Maharaja of Mysore at Bangalore.
Misc. appeal no. 6/20-21

Appellant to. Respondents

Amiya Appa and another } Subba Bhatta and another.

ఆ ప్రభుత్వం ఎటువంటి అధికారాలను స్వీకరించాలి అనే విషయంలో
గాంధీజీకి, నాకు స్పష్టమైన అభిప్రాయాలు ఉన్నాయి. మేము
ఆ విషయాన్ని గురించి చర్చించడానికి ఇష్టపడలేదు. ఎందుకంటే
మేము ఆ ప్రభుత్వంలో చేరడానికి ఇష్టపడలేదు. మా అభిప్రాయాలు
ఏమిటో వారికి తెలుసు. మేము ఆ ప్రభుత్వంలో చేరడానికి
ఇష్టపడలేదు కాబట్టి, మా అభిప్రాయాలు ఏమిటో వారికి
తెలియజేయడం మా బాధ్యత కాదని మేము భావించాము.

ఈ విధంగా మేము ఆ ప్రభుత్వంలో చేరడానికి నిరాకరించాము.
వైస్రాయ్ - ఆయన ఎగ్జిక్యూటివ్ కౌన్సిల్ సభ్యులు
ఇష్టపడకపోవడంతో, వారు ఆ ప్రభుత్వంలో చేరడానికి
అంగీకరించారు. వారు ఆ ప్రభుత్వంలో చేరడానికి
ఇష్టపడటానికి కారణం ఏమిటంటే, 1919 నాటి
మాంటేగు-చెమ్స్‌ఫోర్డ్ సంస్కరణల ప్రకారం
కేంద్ర ప్రభుత్వంలో ఎక్కువ మంది భారతీయులు
ఉండాలి. అందువల్ల, వారు ఆ ప్రభుత్వంలో
చేరడానికి అంగీకరించారు. వారు ఇలా చేయడం
వల్ల, ఆ ప్రభుత్వంలో ఎక్కువ మంది భారతీయులు
ఉండాలనే నిబంధన అమలు అవుతుంది.
ఈ విధంగా, వారు ఆ ప్రభుత్వంలో చేరడానికి
అంగీకరించారు. వారు ఆ ప్రభుత్వంలో చేరడానికి
ఇష్టపడటానికి కారణం ఏమిటంటే, వారు
ఆ ప్రభుత్వంలో ఎక్కువ మంది భారతీయులు
ఉండాలనే నిబంధనను అమలు చేయాలని
కోరుకున్నారు. వారు ఆ ప్రభుత్వంలో
చేరడానికి అంగీకరించారు. వారు ఆ
ప్రభుత్వంలో చేరడానికి ఇష్టపడటానికి
కారణం ఏమిటంటే, వారు ఆ ప్రభుత్వంలో
ఎక్కువ మంది భారతీయులు ఉండాలనే
నిబంధనను అమలు చేయాలని కోరుకున్నారు.

(సంతకం) ఎస్. సత్యమూర్తి
తేదీ: 10

Sworn before me.

(Illegible) ... Subrahmanya Nizar
II Addl. Munsiff
Bangalore

Seal

28/9/21

ONE RUPEE

BEFORE THE GOVERNMENT OF MYSORE, MUZRAI DEPARTMENT.

DIARY No. 2502

Appeal Petition, of 1921 - 22.

Petitioners :- ..... B. Rudrappa & others.

61

Presented in person by Sri. Vijaya Deva Shastri with reference to the Petition in the Petitioners' behalf.

30/1/22

The Petitioners undersigned beg to state as follows :-

1. There is a temple called Sree Mallikarjuna-swamy Temple at Yelati Pura, Yelati hobli, Kadur Taluk.

2. The said Temple was built several hundred years ago and belongs to members of Veerasaiva Community.

3. In the month of Phalguna Suddha at the time of Makha Nakshatra there are conducted the following ceremonies with respect to the said deity :-

1) One the 1st day ceremony of (Ankurarpana) is performed by the members of Veerasaiva Community on the day following the (Kalyanotsava) ceremony is performed by members of Veerasaiva Community. On the 3rd day the Rathotsava ceremony is conducted. The immemorial custom with respect to this part of the ceremony is as follows:- The Archakas or Archaks who are Veerasaivas having the charge of the deity bedecked with ornaments etc, of the value of several thousand brings the same from the Mangalasnana to the "Addandige" and fix the deity in position. Then when the deity was fixed in position in the Addandige the Archaks & others & Veerasaivas & others & carry the deity up to the "Ratna" till the ceremony of "Kalasa" is over no other community except Veerasaivas have any right over the deity.

On 8-3-1919 the then Deputy Commissioner Kadur passed orders recognising the preexisting-custom- or tule on the subject.

5. The Brahmana members with a view to - create mischief, loss and inconvience have set up a [illegible] to the effect that they alone are entitled to perform the act or ceremony of taking the Deity from Rangamantapa to the car and that members of other community should not touch the Deity.

6. The petitioners submit that the Brahmana members have no right whatsoever as alleged and that the order of the Deputy Commissioner on the subject dated 8-3-19 is correct.

7. The petitioners understand that two gentle-men namely Subba Bhatta and Lakshminaranappa of the Brahmin Community have got an exparte order from the present Deputy Commissioner in 1920 to the effect that they alone have got the right to take the Deity from Rangamantapa to the Car or Ratha and that members of other community should not touch the Deity on and after the same isplaced in - Rangamantapa.

8. The petitioners submit that the said order is unlawful, has not recognised the pre-existing rights of the petitioners and others, was passed exparte and is not binding on them and must be set aside.

9. The petitioners undersigned are representa-tives of the large body of Bhaktas of the Deity and the Villagers, who have contributed and are even now contributing towards the maintenance, expenses Etc, of the - Temple, the Deity and the festivals and whose vested rights as regards the Deity temple etc, are greatly prejudiced by the said exparte,

illegal

63

illegal and unjust order.

10. The petitioners pray that the matter may be enquired into, - an interim order may be passed on this petition that the said exparto order of the Deputy Commissioner, Kadur 1920 may be stayed pending final orders, a hearing may be fixed when the petitioners will adduce evidence regarding the petition and final orders may be passed confirming the order of the Deputy Commissioner, Kadur dated - 8-3-1919.

Bangalore.
D/- 20th.Dec.1921.

B. N. V. Deva.
COUNCEL FOR PETITIONER.

65-

In the Court of Before Court of Mysore Mysore Dist.

VAKALATNAMA

executed by Petitioners the in favour of

Mr. B. N. VIJAYA DEVA, M.A., Barrister-at-law,
Advocate, High Court of Madras & Chief Court of Mysore.

I/we hereby empower the said advocate, in person or by proxy, on my/our behalf, to appear in, and conduct the above case, as well as any proceedings arising out of and connected with the same, to compromise the same, and to do all such acts as may be proper and necessary for the due conduct thereof, including the signing and presentation in Court of the necessary petitions and papers.

And I/we further authorize the said advocate to receive, and give receipts for, any money, document, or other moveable property, that is or may become, payable or deliverable to me/us in the course of the said case or proceedings.

..191

I know the executants who have signed before me.

Accepted.

20

V. Sangh & Bros Bangalore

Received Mutalik
in Court & Mr. Asst.
Shankar Rao. as
Counsel for appellants.
Recd
23.9.21

66

Before the Government of His
Highness the Maharaja of Mysore
at Bangalore

Muzrai Appeal No. 6/20—21.

Appellants
Ariyappa
another —

Respondents.
Subbabhatta
another —

[illegible]

[illegible]

Sworn to before me

Ch. Subramanya Ayyar

II Munsiff

Bangalore

28/9/21

SECOND MUNSIFF'S COURT BANGALORE

Addendum ad vitam Beati Anto

69

.oceedings of the Government of His Highness the Maharaja of Mysore.

Read --

Government Proceedings No.3184/Muz.558-18-4 dated 26th March 1920 recording the Kadur Deputy Commissioner's letter reporting that on the occasion of the Ratotsava of Sri Mallikarjunaswami temple at Pura in the Kadur Taluk, the Brahmans have the exclusive right of worship as per mamul, from the time the deity is brought to the Rangamantapam till the deity is seated on the car and the car is dragged a few paces.

Petition registered No.2459 dated 2nd June 1920 from Ariyappa and Mallaiya, Lingayat Pujaris of the said temple, appealing against the Deputy Commissioner's order relating to the Ratotsava.

Correspondence ending with letter, No.8 dated 24th November, 1921 from the Deputy Commissioner, Kadur District,

O r d e r -- No.

Dated Bangalore, the September 1922.

the complaints of Yagati Subba Bhatta and Lakshminarna ppa that the Sivachar Pujaris of Sri Mallikarjunaswami temple at Pura have been permitted to conduct the Ratotsava in violation of the prevailing mamul, the Sub Divisional Officer held a personal enquiry into the matter, and came to the conclusion that during the Ratotsava, the Brahmans have the exclusive right of worship as per mamul, from the time the deity is brought to the Rangamantapam till the deity is seated on the car and the car is dragged a few paces. This finding has been concurred in by the Deputy Commissioner. Against this order of the

Deputy.

27/2

Deputy Commissioner Ariyappa and Mallaiya, the Lingayat Puja have preferred the present appeal.

2. The case was heard before Government on the 2 July, and 14th and 28th September 1921. Both parties were present in Court and represented by their counsels Messrs. Shankaranarayana Rao and Shankara Rao, Advocates, appearing for the appellants and Mr. H. Krishnappa, for the respondent

3. After hearing the appellants' counsel in the matter his appeal petition, Government are of opinion that no case any intervention has been made out. The appeal fails and accordingly rejected. The Deputy Commissioner's order of 1920 will stand.

4. During the hearing of this case it was stated by the appellants Counsel that the local enquiry reported to have been held by the Sub Divisional Officer was not held and that his client had no notice of it either. As this was opposed to facts as disclosed by a perusal of the official records, Counsel was asked if he was prepared to file a statement in support of his allegation. An affidaviat was filed accordi Government are of opinion that an offence has been committed one of the appellants pujari Ariyappa. They therefore order he may be prosecuted for it.

Secretary to Government
Revenue Department

To

The Deputy Commissioner, Kadur District, with the Vern records, Original Affidaviat and the order for pro tion.

GKV.

71

Whereas, Ariyappa son of Mallappa residing in Pura, Yagati Hobli, Kadur Taluk, has, in the course of a Muzrai Appeal No.6 of 1920-21 heard by me, presented on 28th September 1921, an affidavit, the contents of which are false and are known to the said Ariyappa to be false, and has thus committed an offence punishable under Section 182 of the Indian Penal Code, I hereby accord sanction, under Section 195 of the Criminal Procedure Code, for the prosecution of the aforesaid Ariyappa for the offence named above, and authorise the Deputy Commissioner and District Magistrate, Kadur District, who has applied for sanction, to take the necessary further action.

Given under my hand

Sd. P. Raghavendra Rao,
First Member of Council.

"Copy"

Secretary to Government,
Revenue Department.

25th September 1922.

72

WHEREAS, Ariyappa, son of Mallappa, residing in Pura, Yagati Hobli, Kadur Taluk, has, in the course of a Muzrai Appeal No.6 of 1920-21 heard by Government presented on 28th September 1921, an affidavit, the contents of which are false and were known to the said Ariyappa to be false, and has thus committed an offence punishable under Section 182 of the Indian Penal Code, sanction is hereby accorded under Section 195 of the Criminal Procedure Code, for the prosecution of the aforesaid Ariyappa for the - - offence named above, and the Deputy Commissioner and District Magistrate, Kadur District, is authorised to take the necessary further action.

Secretary to Government,
Revenue Department.

25th Septr. 1922.

73

Whereas, Ariyappa, son of Mallappa, residing in Pur, Kadati Hobli, Kadur Taluk, has, in the course of a Muzrai Appeal No.6 of 1920-21 heard by ~~me~~ Govt presented on 28th September 1921, an affidavit, the contents of which are false and ~~are~~ were known to the said Ariyappa to be false, and has thus committed an offence punishable under Section 182 of the Indian Penal Code, ~~I hereby accord~~ I am pleased to accord sanction, under Section 195 of the Criminal Procedure Code, for the prosecution of the aforesaid Ariyappa for the offence named above, and ~~authorise~~ the Deputy Commissioner and District Magistrate, Kadur District, ~~who has applied for sanction~~ is authorised to take the necessary further action.

~~Given under my hand~~

~~Sd. P. Rajendra Rao~~
First Member of Council

~~Dated Bangalore,~~
~~28 August 1922~~

By Govt
U Ayyanna Upa
For Secretary

25-Augst
22 - Rev: Deptt

28th Sept

Send the Record Keeper
U/P 10/10/22

G.R.(S) V1 G 34]

74

SUBJECT.....

.....

.....

Diary No. of letter replied to... 2131

General and Revenue Secretariat

( )

, *the* 192 .

Date of issue.....

Signed by.....

Section

File No.

Serial No. 7

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Govt Proc no 3184 dtd 558-18 & Dy 26th March 192 recording the Hadur Dy Comr's. letter referring mat on the occasion of the Rathotsava of Mahalingeshwara Swami temple at Tuma in the taluq & the Proclamation issued thereon. Order Thereon No.

Read the petition of the ryots of Tuma

Kaigal.

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Petition reg. no. 2459 of
2nd June 1920 from Annappa
and Mahaiya, Lingayat
Pujaris of the said temple,
appealing against the
Dy. Comm's order relating
to the Ratotsava.

-Correspondence ending with
letter no. 8 dt. 14th Nov. 1921
from the Dy. Comr, Kadur
dtd. regarding the
subject

Order sheet

On the
Complaint of
Yejiah Subba Bhatta and
Lakshmanappa that
the Swachan Pujaris of
Sri Mahalingeshwara Swamy
Temple at Puna have
been prevented by Order
the Ratotsava in Vallakki
by the prevailing Mamool

List of enclosures.

Copied by

Examined by

WD 1963—GPB—1,000,00—21-12-21

(G.R. S G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

2b

The Sub Divl Officer held a personal enquiry into the matter, and ~~on finding~~ Case to the Conclusion that during the Rabbi Sana, The Brahmans have the exclusive right of Worship as per manual, from the time the deity is brought to the Rangamandapam till the deity is placed on the Car and The Car is ~~has~~ dragged for few yards. This ~~has~~ matter has been enquired in by the Dy. Commr. ~~who has referred the matter~~ Hence this order. ~~by the Asst Commr~~ The Dy Commr

Appellants and Petitioners in Original Petition Nos. 1 to 3 of 1933 on the file of the Court of the Deputy Commissioner, Bellary, have preferred the present ~~appealed to the Court of the Deputy Commissioner~~ appeal against the ~~foregoing~~ order of the ~~Dy Commr~~.

3. The case before the Deputy Commissioner

15

Whereas, Ariyappa, son of Mallappa, residing in Pura, Yagati Hobli, Kadur Taluk, has, in the course of a Muzrai Appeal No. 6 of 1920-21 heard by me, presented on 28th September 1921, an affidavit, the contents of which are false and are known to the said Ariyappa to be false, and has thus committed an offence punishable under Section 182 of the Indian Penal Code, I hereby accord sanction, under Section 195 of the Criminal Procedure Code, for the prosecution of the aforesaid Ariyappa for the offence named above, and authorise the Deputy Commissioner and District Magistrate, Kadur District, who has applied for sanction, to take the necessary further ~~steps~~ action.

Given under my hand

Dated Bangalore,
19th August 1922.

P Rajendra Nadar
First Member of Council.

755-G-7 80

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read --

Government Proceedings No.3184/Muz.558-18-4 dated 26th March 1920 recording the Kadur Deputy Commissioner's letter reporting that on the occasion of the Ratotasava of Sri Mallikarjunaswami temple at Pura in the Kadur Taluk, the Brahmans have the exclusive right of worship as per mamul, from the time the deity is brought to the Ranga-mantapam till the deity is seated on the car and the car is dragged a few paces.

Petition registered No.2459 dated 2nd June 1920 from Ariyappa and Mallaiya, Lingayat Pujaris of the said temple, appealing against the Deputy Commissioner's order relating to the Ratotasava.

Correspondence ending with letter, No.8 dated 24th November 1921 from the Deputy Commissioner, Kadur District, reporting on the subject.

- - - - -

Order -- No. 2428 Encl one file of Mur 755-19-7 Ver. Records

Dated Bangalore, the 7. 3. 1923.

On the complaints of Yagati Subba Bhatta and Lakshminaranappa that the Sivachar Pujaris of Sri Mallikarjunaswami temple at Pura have been permitted to conduct the Ratotsava in violation of the prevailing mamul, the Sub Divisional Officer held a personal enquiry into the matter, and came to the conclusion that during the Ratotsava the Brahmans have the exclusive right of worship as per mamul, from the time the deity is brought to the Ranga-mantapam till the deity is seated on the car and the car is dragged a few paces. This finding has been concurred in by the Deputy Commissioner. Against this order of the Deputy Commissioner Ariyappa and Mallaiya,

the

81

the Lingayat Pujaris have preferred the present appeal.

2. The case was heard before Government on the 30th July, and 14th and 28th September 1921. Both parties were present in Court and represented by their counsels Messrs. Shankara-narayana Rao and Shankara Rao, Advocates, appearing for the appellants and Mr. H.Krishnappa, for the respondents.

3. After hearing the appellants' counsel in the matter of his appeal petition, Government are of opinion that no case for any intervention has been made out. The appeal fails and is accordingly rejected. The Deputy Commissioner's order of 1920 will stand.

16/28/2/23

Secretary to Government,
Revenue Department.

28/2/23

To

The Deputy Commissioner, Kadur District, with the Ver. records, ~~Original Affidavit~~ and the order for prosecution.

6-3-23

1761

82

Muz 4]

SUBJECT.....

.....

.....

Diary No. of letter replied to _____

Section

File No. 753-29

Serial No. 6

Muzrai Secretariat

( )

. the 192 .

No. 2598

Revd

To

Date of issue 3.4.23

The Muz Comr

Signed by M.T.E.J Pujar Secy

In contn of G.O.

No. 2428 - Muz. 753-29

dy 7-3-1923. confirming

The Dy. Comrs. order

in the matter of the

Exclusive rights of the

~~[illegible]~~

Petition is addressed to the Deputy Commissioner. Please submit to 1st Asst. Commr.

Dy Comr 22/3/23

First Member 22/3/23

Some approvement

Sent

27-3-23

BOS: 678

4.8.23

over.

C 3

of Sri Mallikarjuna Swami temple at Pura in the Kadur Taluk, I am directed to forward herewith for disposal, petition dated 20.9.20. No. 1781 from certain devotees of the temple alleging certain irregularities in the conduct of last year's Rathotsava.

List of enclosures

Copied by

Examined by

WD 0563—GPB—2,500—27 7 22

8e C 1166 of 22-23
15-2-23
D 1688
Revenue Branch
17-2-23

In Office No. He 8/20-21

Dated 24th November 1921.

From

THE DEPUTY COMMISSIONER

Kalutara District

SUBJECT

Petition of Ariyakka and Kallappa, singayek fanyacis appealing against this Office order declaring that the Branches are the exclusive right of vesahip during the northeast & the Sri Mallikarjunaswamy to puja in the Kabaragalla

To

The Revenue Commissioner in all its Branches Kandy

Dated 9th February 1923

Despatched

Received

General No. No. He 8

Reminder

II "

III "

IV "

V "

VI "

VII

VIII "

IX "

X "

Invites attention to the marginally noted reference and requests the favour of an early reply to the same on or before the.

1166 of 22-23
15-2-23.

31151

H Obeyesekere

for Deputy Commissioner

Kalutara District,

The connected file is before the members. Mrs may be kept in that file.

The file has come up 15 2. members

9/2/23

M/L

Mr G Ramanathan

Mr Deputy Commissioner

District,

ONE ANNA

85

FILE No.

Fee Rs. 1-8-0

8

9

10

S. Vittala Sastri. Vedanta Siromani